

SULTAN CITY COUNCIL MEETING
319 MAIN STREET
April 27, 2005

6:30 PM Public Hearing - Street [easement] Vacation

CALL TO ORDER - Pledge of Allegiance and Roll Call

CHANGES/ADDITIONS TO THE AGENDA

COMMENTS FROM THE PUBLIC: Citizens are requested to keep comments to a 3 minute maximum to allow time for everyone to speak.

COUNCILMEMBER COMMENTS

STAFF REPORTS/PRESENTATIONS

- 1) Grants
- 2) Police Department
- 3) Public Works
- 4) Student Representative

CONSENT AGENDA: The following items are incorporated into the consent agenda and approved by a single motion of the Council.

- 1) Minutes of the April 13, 2005 regular Council meeting.
- 2) Approval of Vouchers
- 3) Interlocal Agreement with Snohomish County for the Drug Task Force
- 4) HVAC for Police Department

ACTION ITEMS:

- 1) Resolution 05-08 Water/Sewer Availability
- 2) Ordinance 877-05 - Street Vacation
- 3) Real Estate Acquisition (following executive session)

DISCUSSION: Time Permitting

- 1) Wild Sky Proposal - Workshop

PUBLIC COMMENT

COUNCILMEMBER RESPONSE TO PUBLIC COMMENTS

Executive Session: Potential Litigation and Real Estate Acquisition

Adjournment - 10:00 PM or at the conclusion of Council business.

ADA NOTICE: City of Sultan Community Center is accessible. Accommodations for persons with disabilities will be provided upon request. Please make arrangements prior to the meeting by calling City Hall at 360-793-2231.

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

Date: April 27, 2005

Agenda Item #: Consent C 1

SUBJECT: Council minutes

CONTACT PERSON: Laura Koenig, City Clerk/Treasurer

SUMMARY STATEMENT:

Attached are the minutes of the April 13, 2005 public hearing on the Snohomish County Hazard Mitigation plan and the regular Council meeting as on file in the Office of the City Clerk.

RECOMMENDATION: Approval as submitted.

Action Date:

COUNCIL ACTION:

Public Hearing – Snohomish County Natural Hazard Mitigation Plan - April 13, 2005

The public hearing on the Snohomish County Natural Hazard Mitigation Plan was opened by Mayor Tolson. Councilmembers present: Criswell, Seehuus, Flower, Blair, Boyd, Champeaux (arrived late).

Staff Report:

Craig Bruner, Building Official, provided a staff report and reviewed the executive summary provided in the plan. The City is a part of a coalition of local jurisdictions that participated in the preparation of the plan. The Coalition organized resources, assessed risks, developed the mitigation plan and planned for the implementation. The citizens should benefit from the efforts by reduced costs for flood insurance.

Discussion:

The Council discussed future dikes, base flood elevations, areas eligible for potential funding, FEMA buyouts of flood prone property, the impact on endangered species of fish and the projected growth in the area. Craig Bruner advised that the federal government does not support dikes as flood control due to the failures in other parts of the country that have caused major disasters. The plan will help identify property eligible for buyout and applications will be submitted as funds are available.

Public Input:

None

On a motion by Councilmembers Seehuus, seconded by Councilmembers Criswell, the hearing was closed. All ayes.

Benjamin Tolson, Mayor

Laura J. Koenig, Clerk/Treasurer

CITY OF SULTAN COUNCIL MEETING – April 13, 2005

The regular meeting of the Sultan City Council was called to order in the Sultan Community Center by Mayor Tolson. Councilmembers present: Champeaux, Criswell, Boucher, Seehuus, Flower, Blair and Boyd.

COMMENTS FROM THE PUBLIC

Laura Fox: Invited everyone to the One Hundred Years in Sultan Art Fair. The Art Fair is geared towards the next 100 years and the pictures will be displayed at the Centennial Picnic on June 25th.

Loretta Storm: Noted that she and her husband have worked for 5 years to raise awareness of issues in Sultan that will impact people inside and outside the limits. They have been subjected to scrutiny and criticism and it has been implied that they should not speak because they live outside the city. At the last two meetings, Mr. Hussman came to the council and asked that they oppose the Wild Sky proposal and provided a draft resolution for acting. Although he does not live in the city, his information was accepted without review by the City Attorney. The council action appears to be arbitrary and capricious.

Questioned if the recommendations read by mayor regarding public comments apply only to the public or does it also apply to the council and is the mayor obligate to interrupt those making inappropriate comments. If they apply to the Council, she would like an apology for actions of Councilmember Boucher at the last meeting.

Bill Pearson: Has lived in the valley for 25 years and is proud to be an American. Has served his country and worked many years as a logger in the area. Opposes the Wild Sky proposals because it will close access to an area that many enjoy. Money was spent to put roads into the area and they may be need as an escape route it there is a disaster that closes Highway 2.

COUNCILMEMBERS COMMENTS:

Flower : Thanked Mr. Pearson for coming to the meeting and sharing his opinion and history of the Wild Sky Wilderness area. In regards to Ms. Storm, she has made a five year career of educating the citizens, however, most of the comments are negative. When there are no positive comments, it gives the impression that the person can not be pleased. There is never acknowledge of the good that is done and there are many who donate a lot of time to make this a better community. Would like to hear some praise on occasion. In regards to Mr. Boucher's comments, they were polite and pointed out contradictions in her agenda.

STAFF REPORTS:

Grants: Donna Murphy advised that there is an article in the Seattle Times about the Sultan Centennial. PUD will have an Open House at the Community Center on May 3rd regarding the re-licensing application on the dam.

Police Department: Chief Walser advised that Officer Marshall's class on weapons of mass destruction went well and there is community interest in setting up some block watch units. The Highway 2 Coalition will be meeting with WSDOT regarding the stop light at Old Owen. The state would like to discuss replacing the light with a round-about. The Skateboard Park finance committee will be meeting to discuss fund raisers. Advised that Councilmember Criswell has donated his council pay to the project.

Public Works: Connie Dunn, Public Works Director, reminded everyone that April 23rd is Sultan Clean Up day. Paving will be done on 1st Street next week; property acquisition is being completed on Sultan Basin Road; 5th Street Signal will go out to bid next week.

CITY OF SULTAN COUNCIL MEETING – April 13, 2005**CONSENT AGENDA:**

The following items are incorporated into the consent and approved by a single motion of the Council. On a motion by Councilmember Champeaux, seconded by Councilmember Criswell, the consent agenda was approved as presented. Champeaux – aye; Criswell – aye; Boucher – aye; Seehuus - aye; Flower – aye; Blair – aye, Boyd – aye.

1. Minutes of the March 23, 2005 Council meeting as on file in the Office of the City Clerk.
2. Vouchers #05-314 through 05-399 in the amounts of \$109,611.71 and payroll through March 25, 2005 in the amount of \$82,201.97 to be drawn and paid on the proper accounts.
3. Authorization to surplus the Poly Blend DP103TP dry polymer batch mixer.

ACTION ITEMS:

Ordinance 876-05 Motorized Scooters: Brief discussion was held on the use of scooters in the city parks. On a motion by Councilmember Boucher, seconded by Councilmember Boyd, Ordinance 876-05 was adopted. All ayes, except Councilmembers Criswell who voted nay.

Sewer Comprehensive Plan and Water Comprehensive Plan:

Connie Dunn introduced John Wilson and Gary Bourne from Berryman and Henigar. Gary Bourne provided an overview of the comprehensive plan process and why it must be completed. The rate study that was done last year delayed the process. The capital improvement section will identify those projects that will be done by developers and must be in place in order to require the work. The cost estimates provided are based on the need to comply with Department of Health and Ecology requirements.

Discussion was held on the costs for meetings and copies of the plan, number of hours required for each task, the city doing part of the work and anticipated additional costs.

Gary Bourne discussed the need for the state to review and approve the plans and possible changes that may be required after council and state review. They will try to combine the meetings to reduce costs.

On a motion by Councilmembers Criswell, seconded by Councilmembers Boyd, the contract with Berryman and Henigar to complete the Sewer Comprehensive Plan was approved in an amount not to exceed \$21,532. All ayes.

On a motion by Councilmembers Criswell, seconded by Councilmembers Seehuus, the contract with Berryman and Henigar to complete the Water Comprehensive Plan was approved in an amount not to exceed \$18,145. All ayes.

Council Attendance: Councilmember Criswell left the meeting due to illness.

Denali Ridge – Closed Record Hearing:

The closed record hearing was opened by Mayor Tolson.

Staff:

Rick Cisar, City Planner, provided the staff report on the Denali Ridge Cluster Subdivision/Conditional Use Permit. Denali Ridge subdivision is a 15 lot subdivision on a 10 acre parcel located on the east side of Sultan Basin Road and 300 feet north of 138th Street. The lots range in size from 8,724 square to 10,521 square feet on a 4.2 acre site. 5.42 acres of the property will be retained as open space... The developer will use Ordinance 854-04 provisions to provide \$22,201 payment in lieu of recreation facilities.

Discussion was held the challenges to Ordinance 854-04, required developer agreement and future development on the site.

No public comments.

CITY OF SULTAN COUNCIL MEETING – April 13, 2005**Denali Ridge**

The hearing was closed on a motion by Councilmembers Seehuus, seconded by Councilmembers Flower. All ayes.

On a motion by Councilmembers Flower, seconded by Councilmembers Seehuus, the Hearing Examiners report was accepted approval of the Denali Ridge preliminary cluster subdivision and conditional use permit was approved subject to the following conditions:

This Preliminary Subdivision/Conditional Use Permit is subject to compliance with all applicable provisions, requirements, and standards of the Sultan Municipal Code, standards adopted pursuant thereto, and the following special conditions:

A. General Conditions:

1. Exhibits 1.B.1 and 1.B.2 shall be the approved preliminary plat and Conditional Use Permit site development plans. Where any condition herein conflicts with those exhibits, the condition shall prevail.
2. All recommendations found in the Targeted Drainage Plan prepared by Design Build Services, Inc. (Exhibit 1.K) shall be implemented before, during, and after the development of this subdivision.
3. All recommendations found in the Critical Areas Study prepared by Rountree Land Design (Exhibit 1.C) and the Third Party Review of the Critical Area Study (Exhibit 1.G) shall be implemented before, during, and after the development of this subdivision.
4. The wetlands found on and immediately offsite shall be protected from erosion in accordance with the Department of Ecology Puget Sound Basin Stormwater Management Manual. A silt fence shall be located at the edge of the wetland buffer (after buffer averaging) and remain in place until construction is complete and all upland areas are revegetated. The installation of the silt fence shall be in accordance with the Puget Sound Basin Stormwater Management Manual.
5. To ensure stormwater runoff does not negatively impact the on- and off-site wetlands, all surface water runoff from impervious surfaces shall be managed in accordance with the Puget Sound Basin Stormwater Management Manual. All surface water runoff from impervious surfaces shall be infiltrated, conveyed to an approved detention facility, or otherwise treated to protect water quality.

B. Prior to initiation of any site development work:

1. In accordance with SMC 16.28.340, the developer/plattor shall prepare a developer agreement subject to approval by the City. The agreement shall specify the requirements for construction of all infrastructure improvements, including plan submittals, inspections, bonding, private improvements, right-of-way improvements and facilities associated with the subdivision, including improvements to all common areas. Site construction drawings shall be prepared consistent with the conditions of approval.
2. Construction Plans must be approved by the City of Sultan. The plans shall include, but not be limited to, designs for storm drainage, potable water, sanitary sewer, roads,

CITY OF SULTAN COUNCIL MEETING – April 13, 2005

street lighting, signage, landscaping, and other utilities. Said designs shall comply with the requirements of the Unified Development Code, City of Sultan Design Standards and Specifications, and Water/Sewer Design Standards.

3. The developer/plattor shall submit and the City shall review and approve a wetland mitigation plan meeting the requirements of SMC 16.80.070, which plan shall be based upon and incorporate all applicable elements within Exhibits 1.C and 1.G. The mitigation plan shall include permanent fencing along the north side of Proposed Lots 1 – 8 and the east side of Proposed Lots 8 and 9 of a size and style to physically delineate and prevent easy access into Tract B.
- C. The following special requirements shall be included on the face of the final plat:
1. The developer/plattor shall show a 33 foot wide strip of their frontage on Sultan Basin Road for dedication as Sultan Basin Road right-of-way.
 2. “Mitigation fees are required for park, traffic, and school impacts. The amount of those fees will be determined and collected prior to individual building permit issuance.”
 3. A 20-foot wide utility easement shall be established along the full length of the northern and eastern property boundaries of the site.
- D. Prior to approval and recordation of the final plat:
1. The developer/plattor shall demonstrate that each lot conforms to all requirements of the Sultan Municipal Code and other standards and specifications that apply.
 2. The developer/plattor shall pay the offered \$22,201.00 fee-in-lieu of constructing on-site recreation facilities to the City.
 3. Homeowners Association articles of incorporation shall have been submitted to and approved by the City. The articles shall provide for ownership and responsibility for Tract B, the critical areas tract. The articles may provide that the Association may divest its interest in Tract B to a willing municipality or land conservation trust provided that the tract must remain subject to all appropriate restrictions for such areas as set forth in the SMC. The Association shall be created contemporaneous with final plat recordation.
 4. Wetland mitigation shall be completed in conformance with the approved mitigation plan.
 5. Wetland buffer signs are available at the City of Sultan. Said signs shall be posted along the rear lot lines of Proposed Lots 1 thru 9, and along the eastern, western, and northern boundary lines of the site. The Public Works Director shall determine sign quantity and spacing.
 6. The proposed interior street and frontage improvements along Sultan Basin Road shall be designed and constructed to meet the City of Sultan Design Standards requirements.

On the motion: Boucher, Champeaux, Blair, Flower, Seehuus – ayes; Boyd – nay.

CITY OF SULTAN COUNCIL MEETING – April 13, 2005

Resolution 05-08 Water/Sewer Availability Procedure: Connie Dunn, Public Works Director, discussed the problems encountered with issuing water/sewer availability letters. There needs to be better control on the number of connections committed and the time frame to submit a land use applications. Council needs to set priorities on how connections will be allocated. Discussion was held on the capacity of the systems. Councilmember Champeaux moved to adopt Resolution 05-08, seconded by Councilmember Seehuus. The motion and second were withdrawn. Councilmember Champeaux moved to continue the matter, seconded by Councilmember Seehuus. All ayes.

Resolution 05-07 Traffic Control: Connie Dunn discussed the 4 way stop intersection at 5th and Main to provide traffic control in coordination with the stop light. On a motion by Councilmember Seehuus, seconded by Councilmember Blair, Resolution 05-7, traffic control, was adopted. All ayes.

Motorcycle Lease Agreement: Chief Walser advised the Department has applied for additional grant funds to cover the costs of the equipment. Laura Koenig, Treasurer, advised that a budget amendment will not be required at this time, however, it will be necessary prior to payment on the vehicle leases. Brief discussion held on the cost of lease, deposit and the amount of time the motorcycles will be used. On a motion by Councilmember Seehuus, seconded by Councilmember Flower, the Motorcycle Lease agreement with Skagit Valley Harley was approved. All ayes.

Tourist Information Center Building Name: Donna Murphy provided an overview of why the building committee has recommended that the Tourist Information Center building be dedicated in honor of Marshal Percy Brewster who was killed in the line of duty in 1927. On a motion by Councilmember Seehuus, seconded by Councilmember Flower, the request to name the building the “Percy Brewster Building” was approved. All ayes.

Resolution 05-05 - Snohomish County All Hazard Mitigation Plan: On a motion by Councilmember Seehuus seconded by Councilmember Champeaux, Resolution 05-05 was adopted. All ayes.

Resolution 05-09 - LID Segregation: The property owners from Rowe/East Teak have agreed to the segregation of the assessment on a 50/50 basis. The appraiser has determined that the market value of each parcel will support the segregation and have no adverse impact on the bonds. On a motion by Councilmember Champeaux, seconded by Councilmember Boucher, Resolution 05-09 was adopted. All ayes.

Tourist Information Center Change Order. Rick Cisar discussed the problems encountered during the construction on the Tourist Information Center and recommended a change order in the amount of \$17,602.19 to be funded from the grant. On a motion by Councilmember Flower, seconded by Councilmember Seehuus, the change order in the amount of \$17,602.17 for the Tourist Information Center was approved subject to approval by WSDOT Northwest Regional Local Programs. All ayes.

DISCUSSION ITEMS:

Animal Control: Mayor Tolson discussed the recent problems with pit bulls and aggressive dogs in town. A pit bull killed another dog two weeks ago and three dogs got into a fight last week. Staff does not have the ability to deal with vicious animals and the city needs to take some action. The city has animal control codes however, there is no code enforcement officer. Discussion was held on the possibility of hiring a part time person, interlocal agreement with Monroe, revenues sources to fund the position and the need to find a solution to the problem.

CITY OF SULTAN COUNCIL MEETING – April 13, 2005**PUBLIC COMMENTS**

Bill Pearson: Helped build the roads into the Spada Lake area and the Sultan Basin that is being called wilderness. The Forest Service may close the camp grounds and trails due to lack of funds. The area is beautiful and if the take out the roads people with disabilities will not be able to use the area.

Ray George: Would like to see the cat problem addressed. In regards to the Denali Ridge, the negative vote was arbitrary and capricious and should have been based on facts.

Josie Fallgatter: The City could save money on adoption of the water and sewer plans as they were adopted by reference in the comprehensive plan.

Ray Kistenmacher: Everyone enjoys getting positive strokes, however, watchdogs should not be expected to make positive comments. He has volunteered more time than anyone in room. Believes someone should be a watchdog for the public.

Loretta Storm: Appreciates Councilmember Flowers comments and honesty. She spends hours on the web site and also serves on the Library Board, works with Friends of the Library and is secretary for the Highway 2 Coaliton. The motorcycles will help with speeders on the Basin Road.

Barbara Schmidt: Advised that there is a large problem at the Grade School with dogs running loose on the play field.

COUNCIL COMMENTS

Blair : Animal control has been discussed on several occasions and she would like to see a resolution to the problem.

Seehuus: Agrees on the need to address the animal control issue.

Champeaux: Asked Connie Dunn to comment on the need to adopt the comprehensive plans.

Connie Dunn advised that the state agencies would disagree that the plans have been adopted and the Council should move forward with the adoption of the plans.

Adjournment: On a motion by Councilmember Champeaux, seconded by Councilmember Seehuus, the meeting adjourned at 9:45 PM.

Benjamin Tolson, Mayor

Laura J. Koenig, Clerk/Treasurer.

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

Date: April 27, 2005
Agenda Item #: Consent C 2
SUBJECT: Voucher Approval
CONTACT PERSON: Laura Koenig, Clerk/Treasurer

SUMMARY STATEMENT:

Approval of Vouchers # 05-400 through #05-446 in the amounts of \$94,208.12 and payrolls through April 8, 2005 in the amount of \$63,695.00 to be drawn and paid on the proper accounts.

FISCAL IMPACTS:

Expenditure Required: \$157,903.12

RECOMMENDATION: Recommend approval as submitted.

COUNCIL ACTION:

Action Date:

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: C-4

DATE: April 27, 2005

SUBJECT: Police Department HVAC

CONTACT PERSON: Public Works Director Dunn
Clerk/Treasurer Koenig
City Planner/Administrator Cisar
Police Chief Walser

SUMMARY: The City of Sultan Police Department has HVAC units in their building that do not recirculate air. It uses only fresh air, therefore in the winter it is trying to warm and in the summer it is trying to cool, the outside air. The PUD power bill is between \$900.00 - \$1,000.00 per billing cycle.

Curt Otilige requested bids to change out the HVAC from Sky Valley Plumbing, Eylanders Electric and Associated Heat.

SkyValley Plumbing	\$14,150.00, plus Tax
Eylander Electric	\$12,223.61, inc. Tax
Associated Heat	No Response

See Attached
We have funds in 2005 Capital Improvements.

FISCAL IMPACT: \$12,223.61

RECOMMENDED ACTION: Approve the expenditure of \$12,223.61 with Eylander Electric for changing out the HVAC at the Police Station.

COUNCIL ACTION:

SULTAN CITY COUNCIL

AGENDA ITEM COVER SHEET

ITEM NO: A-1

DATE: April 27, 2005

SUBJECT: Resolution 05-08
Water/Sewer Availability Procedure

CONTACT PERSON: Public Works Director Dunn
City Planner/Administrator Cisar

SUMMARY: At the April 13th Council Meeting, you referred this issue to tonight's meeting. Staff worked with the City Attorney to add verbage in this procedure.

The City of Sultan issues water/sewer availability letters to properties and developers to track and assure the City can provide water and sewer services.

Attached is the revised Water/Sewer Availability Procedure and resolution.

FISCAL IMPACT: Closer monitoring of sewer/water connections available within Sultan.

RECOMMENDED ACTION: Pass Resolution 05-08 adopting the Water/Sewer Availability Procedure.

COUNCIL ACTION:

**CITY OF SULTAN
SULTAN WASHINGTON**

RESOLUTION 05-08

A RESOLUTION BY THE CITY OF SULTAN FOR A WATER AND SEWER AVAILABILITY PROCEDURE.

WHEREAS, the City of Sultan issues water/sewer availability letters to properties and developers to track and assure the City can provide water and sewer services.

WHEREAS, having this procedure will closely monitor the number of connections available within Sultan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Sultan, that the Water and Sewer Availability Procedure be established.

REGULARLY ADOPTED by the City Council this 27th day of April, 2005

City of Sultan

Ben Tolson, Mayor

ATTEST:

Laura J. Koenig, City Clerk/Treasurer

CITY OF SULTAN

Water/Sewer Availability Procedure

1. Schedule a Pre-Application Meeting with City Departments.
 - a. Contact the Permit Assistant 360.793.2231 for an application form, costs and submittal requirements.
 - b. Meetings are scheduled on Wednesday mornings. All applications are due 1 week in advance of meeting to provide for internal review, comments and questions.
 - c. Meeting will be held with appropriate City of Sultan Staff and Developer Representatives.

2. The City of Sultan has a limited number of sewer connections available. Except for any existing connections, the City does not intend to provide sewer service outside its Urban Growth Boundary. Because the number of connections available is limited, the City will prioritize between requests for sewer service within the City's current City limits and requests for service outside the City limits but within the City's Urban Growth boundary, at the pre-application meeting, the developer shall provide the following additional information:
 - a. Information whether the property is within a ULID or LID, or an area designated for a local facility charge to support a ULID or LID;
 - b. Suitability of the property for ultimate annexation to the City based upon proximity to the City, any long range plan of the city, the environmental and economic impact of annexation and the willingness of the applicant to sign a petition to annex or to sign a covenant to sign a petition to annex the property to the City.
 - c. In the event of concurrent annexation/development proposals applicant agrees to meet all City development standards and pay all development and impact fees associated with the project. Thereafter, building permits will be issued after the effective date of the annexation.

As a result of the pre-application meeting, if the property is outside the City limits but within the City's Urban Growth boundary, the City will conduct an analysis of the remaining capacity of the City's sewer treatment facilities and the foreseeable demand. The proposed development shall be analyzed with respect to its size and density of development, quantity of utility service required (average flow and peak periods), special treatment or hazards involved and the potential for expansion or change of use after original connections are made. If the applicant has signed a petition for annexation or a covenant to sign a petition for annexation and provision of sewer service to the property would not jeopardize public health or safety, the request shall be deemed a qualifying request.

Available sewer utility connections will be allocated in letters of availability in the following order of priority:

- a. by category of request and
- b. by date of receipt within the category

Utility requests shall be placed in one of three categories in the following order of priority: (1) within the City limits; (2) a qualifying request for service outside the City limits but within the City's Urban Growth Boundary and in close proximity to existing utility lines with adequate reserve capacity; and (3) a qualifying request for service outside the City limits but within the City's Urban Growth Boundary and not in close proximity to existing utility lines with adequate reserve capacity.

As a result of the pre-application meeting, the information submitted and the analysis performed, until such time as eighty five per cent capacity of the City's wastewater treatment plant has not been exceeded,

the City of Sultan will allocate preliminary an estimated number of water and sewer connections to the project.

3. Upon written notice of the preliminary connection allocation by the City, the Developer must request in writing from the Public Works Director a letter for water and sewer availability. The request would include:
 - a. The date of the pre-application meeting.
 - b. The number of connections allocated by the City of Sultan.
 - c. The property address.
 - d. The Tax Parcel I.D. Number(s).
 - e. Name of project.
 - f. Anticipated application date.
 - g. Development schedule for property.
 - h. Developer information (name, address, phone number, e-mail etc.)
4. Upon issuance, the Water and Sewer Availability Letters will state:
 - a. The letters are non-transferable.
 - b. The Developer has 45 days from the date of the availability letter(s) to submit to the Planning Department a complete development application, including the payment of all fees and supplemental information for the project requested during the pre-application meeting.
5. The water and sewer availability letters may be renewable if the developer is within 2 weeks of submitting a complete development application to the City of Sultan and connection allocations remain available.
6. Pre-sale of water and sewer connections will only be permitted when a development/project has received preliminary subdivision, planned unit development or binding site plan approval or final approval when preliminary approval is not required (i.e. condition use permit) by the City Council or administrative approval from permitting department.

SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET

ITEM NO: Action A 2
DATE: April 27, 2005
SUBJECT: Public Hearing and Ordinance Number -05 Vacating a Street Right-of-Way.

CONTACT PERSON: Rick Cisar, City Planner

SUMMARY: Ordinance 877-05 has been prepared to vacate an existing unnamed street right-of-way for Jay A. Emory, DDS, PS. The existing street right-of-way crosses under Mr. Emory's building and across his property located at 811 W. Stevens Highway, Sultan Washington. Exhibit B of the Ordinance illustrates the location of the right-of-way in relation to the building and property lines. **The City council may require compensation (up to 100% of value) in granting street vacations, but is not required to secure compensation.** See attached March 25, 2005 letter from City Attorney Thom Graafstra. **The Ordinance as prepared proposes compensation for the right-of-way equal to 50% of the appraised value.**

FISCAL IMPACT: None at this time.

RECOMMENDATION: Approval of Ordinance 877-05 vacating a street right of way for Jay A. Emory DDS, PS with compensation as determined by the City Council.

COUNCIL ACTION:

DATE:

CITY OF SULTAN

Sultan, Washington

ORDINANCE NO. 877-05

AN ORDINANCE OF THE CITY OF SULTAN VACATING A PORTION OF A STREET RIGHT-OF-WAY.

WHEREAS, by Resolution number 05-04 adopted on March 23, 2005, the Sultan City Council stated its intention to vacate a portion of an unnamed street, being legally described on **EXHIBIT A** and illustrated on **EXHIBIT B** attached hereto; and

WHEREAS, a public hearing was held on the vacation of said street on April 27, 2005; and

WHEREAS, the City Council considered the evidence presented at the hearing and entered the following findings of fact:

1. The above-described portion of street right-of-way has remained unopened since it was originally acquired by Snohomish County in 1911, and serves no public purpose.
2. A building was constructed over the street right-of-way in 1970 when the property was annexed into the City.
3. The vacation of this portion of right-of-way would not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
4. The public need will not be adversely affected by the vacation of this street.
5. No abutting owner will become landlocked nor will access to any abutting properties be substantially impaired.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. That portion of the unnamed street right of way as legally described in **EXHIBIT A** and illustrated on **Exhibit B** is hereby vacated.

Section 2. In consideration for the vacation of said street, the property owner who is receiving title to the street shall compensate the City one-half of the appraised value for the property conveyed to them. Payment of said compensation shall be a condition precedent of this ordinance becoming effective.

Section 3. This ordinance and the vacation of the street referred to herein shall become effective five (5) days after the payment of the above-referenced compensation and the publication of this ordinance and the recording of a certified copy of the same in the records of the Snohomish County Auditor.

PASSED by the City Council and APPROVED by the Mayor this ____ day of _____, 2005.

CITY OF SULTAN

By _____
Benjamin R. Tolson, Mayor

Attest:

By _____
Laura Koenig, City Clerk

Approved as to form:

By _____
Thomas Graafstra, City Attorney